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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,703	03/11/2004	Christopher Dougherty	N0190US	6203

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NAVTEQ NORTH AMERICA, LLC
425 West RANDOLPH STREET
SUITE 1200, PATENT DEPT
CHICAGO, IL 60606

EXAMINER

WERT, JOSHUA P

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,703	Applicant(s) DOUGHERTY ET AL.	
	Examiner JOSHUA WERT	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/09/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by SimCopter and SimCity.

2. Regarding claims 1, 17, 18 and 21, SimCopter discloses selecting a map (SimCopter Users Manuel Page 3, SimCity map or standard game city maps) and a game shell including basic logic, rules, strategy and characters (SimCopter Users Manual Pages 3 and 56, parameters set within SimCopter. The underlying game in SimCopter has basic logic, rules, strategy and characters that are determined based on the SimCity map and the preferences manually selected) and combining them in to a computer game (The specific game that the user ends up playing). **SimCity has pre-made cities that represent real cities and that could then be used in SimCopter. Furthermore, a player could take the time and mimic any real-world map desired.**

3. Regarding claims 2-5 and 22-23, SimCopter discloses selecting a SimCity map. SimCity 2000 Users Manuel discloses during the creation of a map that can be used in SimCopter having a road inventory with different road pavements and types as well as 3D models of buildings, trees and other cityscape things.

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4. Regarding claims 6, 7 and 24, SimCopter discloses game engines that include starting building fires, radio dispatches and a number of other such engines.

5. Regarding claims 8-10, it is inherent that both SimCopter and SimCity have a geographic API to allow game components such as the game engine that starts a fire to know where on the map the fire is, what type of terrain and building is there and alert the player of its location.

6. Regarding claims 11-13, it is inherent that SimCopter has a geographic data tool program that combines road model data from SimCopter with the location and type data from the SimCity map since in the presentation of the SimCity map to the player in SimCopter, the location of the streets and buildings are the same as in SimCity but the visual aspects of them are different and can be seen in a perspective view.

7. Regarding claims 14 and 15, SimCopter and SimCity both have repositories including sets of parameters associated with different computer platforms (Box for SimCity says that it is compatible with several different systems).

8. Regarding claims 16 and 19, SimCopter is representative of one type of game (aircraft/flight simulator which also includes walking around) that uses the geographic data from the SimCity maps. Other games such as Streets of SimCity which was published around the same time as SimCopter operate on the same principal but is a driving/police chase/auto theft type game. In addition, the maps built for the Streets of SimCity application could be built differently from those built for SimCopter to accentuate the rules and logic of each game shell.

9. Regarding claim 20, SimCity has pre-made cities that represent real cities and that could then be used in SimCopter. When a player modifies one of those cities then there exists in the map database a second map of that city that is less accurate than the game provided version.

Response to Amendment

10. The examiner acknowledges the amendments to the claims filed on 12/26/07 including the amendment of claims 1, 8-10, 21 and verifies that no new matter was added. The examiner also acknowledges that the amendment to claims 8-10 fixes the previous claim objections and the objection has therefore been withdrawn.

Response to Arguments

11. Applicant's arguments filed 12/26/07 have been fully considered but they are not persuasive. The claims require "map data products represent separate real-world geographic locals." SimCity 2000 contains pre-made maps of cities that represent their corresponding real-world locals as referenced with respect to claim 20 in the original office action. While these maps might not be in the highest detail or accuracy, they still **represent real world geographic locals**. As claimed, the invention still reads directly on the SimCity family of games and products.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA WERT whose telephone number is (571)270-1894. The examiner can normally be reached on Monday - Thursday 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/7/08

JPW

/J. W./

Examiner, Art Unit 3714

/Corbett Coburn/
Primary Examiner
AU 3714